REMARKS/ARGUMENTS

The non-final Office Action of August 22, 2007 has been carefully reviewed and these remarks are responsive thereto. Claims 1, 9, 10, 13-17, 34, 42, 43, and 46-49 have been amended, no claims have been cancelled, and new claims 66-69 have been added. Claims 1-4, 6, 9, 10, 12-17, 34-37, 39, 42, 43, 46-49, and 66-69 are pending in this application upon entry on the present amendment. Reconsideration and allowance of the instant application are respectfully requested.

Interview Summary

Preliminarily, Applicants' representatives would like to express their appreciation for the time taken by Examiner Nguyen to discuss the instant application and prior art in a telephone interview on January 18, 2008. The following remarks include Applicants substance of interview pursuant to MPEP § 713.04. In sum, Applicants discussed proposed amendments to claim 17 to overcome the rejection under 35 U.S.C. § 101, and the distinctions between the features recited in claim 1 and the relied-upon portions of the Altman disclosure.

Rejections Under 35 U.S.C. § 101

Claim 17 stands rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Specifically, the Office Action alleges that the computer-readable media of claim 17 includes carrier waves, and therefore that claim 17 is directed to a form of energy. Notwithstanding the merits of the rejection, Applicants have amended claim 17 to recite "computer-executable instructions stored on a computer storage media." As stated in paragraph 37 of the specification as originally filed, a carrier wave is an example of a communication medium, but not a computer storage media. Accordingly, Applicants submit that amended claim 17 recites statutory subject matter.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 6, 9, 10, 12, 13, 16, 17, 34-37, 39, 42, 43, 45, 46, and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Pub. No 2002/0064308

(Altman). Applicants traverse this rejection for at least the following reasons.

Amended claim 1 recites, "receiving data corresponding to an electronic ink annotation of an electronic document," "parsing an electronic ink annotation," and "creating a second context node associated with the annotation." In contrast, Altman does not teach or suggest annotations, but only describes receiving and storing handwriting input and drawings. (Abstract; paragraphs [0011]-[0012]) That is, the electronic documents disclosed in Altman merely consist of individual strokes that may be grouped into words, lines, and paragraphs. (Paragraph [0051]) None of the Altman's strokes are annotations to other strokes or to any other portions of Altman's electronic documents. In fact, the terms "annotate" and "annotation" do not appear anywhere in Altman's disclosure, and no equivalent concept is disclosed by Altman. Therefore, although Altman discloses handwritten electronic markings, it does not teach or suggest "parsing an electronic ink annotation," or "creating a second context node associated with the annotation," as recited in amended claim 1.

Additionally, amended claim 1 recites, "wherein the first context node and the second context node are arranged in a single hierarchical data structure representing data associated with the electronic document." The Office Action alleges on page 5 that Altman teaches this feature somewhere in FIGS. 10A-10C and paragraphs [0072]-[0074], [0085], [0093]-[0099]. However, neither the relied-upon portions nor any other portion of Altman discloses a "single hierarchical data structure," as recited in claim 1. In fact, Applicants note that the relied-upon portions of Altman do not disclose any type of data structure, but merely describe the concept of parsing strokes into letters, words, paragraphs, etc. Furthermore, even assuming, without conceding, that Altman's groupings are then stored in a data structure (e.g., two words grouped into a single paragraph), Altman provides no indication that the different nodes (e.g., a word node and a paragraph node) would be stored in a single hierarchical data structure. In other words, simply because Altman describes related concepts, such as words and paragraphs, this provides no basis for any teaching or suggestion that Altman's related concepts would be stored together in a single hierarchical data structure. In fact, conventional systems like Altman's would most likely use a word table (or other data structure) and a separate paragraph table (or other data structure), both of which would be constructed as flat list data structures. Thus, in Altman's system,

multiple nodes would be stored in multiple tables, none of which would be hierarchical in structure. Accordingly, Altman does not teach or suggest, "wherein the first context node and the second context node are arranged in a single hierarchical data structure representing data associated with the electronic document," as recited in claim 1.

For at least these reasons, amended claim 1 is not anticipated by Altman. Claims 2-4, 6, 9, 10, 12, 13, 16, 17 depend from claim 1 and are patentably distinct from Altman for at least the same reasons as claim 1, as well as based on the additional features recited therein.

Independent claim 34 has been amended similarly to claim 1. For example, amended claim 34 recites a processor programmed and adapted to "parse an electronic ink annotation to the first portion," and "create a second context node associated with the annotation." Claim 34 also recites, "wherein the first context node and the second context node are arranged in a single hierarchical data structure representing data associated with the electronic document." Accordingly, amended claim 34 is not anticipated by Altman for at least the same reasons discussed above regarding claim 1. Claims 35-37, 39, 42, 43, 45, 46, and 49 depend from claim 34 and are patentably distinct from Altman for at least the same reasons as claim 34, as well as based on the additional features recited therein.

For example, dependent claims 12 and 45 each recite, "wherein the first context node and the second context node share at least one common parent node." The Office Action alleges on page 7 that Altman teaches this feature by stating "the ink strokes associated with each line are grouped into words … the words are grouped into paragraphs." (Paragraph [0051]) However, as discussed above, the mere fact that Altman discloses related concepts (e.g., words and paragraphs) does not provide any basis for assuming that the related concepts would be stored in a single hierarchical data structure. That is, even if two words in Altman's electronic document are grouped into the same paragraph, Altman nonetheless fails to teach or suggest storing those words such that they "share at least one common parent node," as recited in claims 12 and 45. Accordingly, Applicants submit that claims 12 and 45 are not anticipated by Altman for at least this additional reason.

Rejections Under 35 U.S.C. § 103

Claims 14, 15, 47, and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Altman in view of U.S. Patent No. 6,687,876 (Schilit). However, Schilit fails to overcome the above-discussed deficiencies of Altman. Specifically, as discussed in the Amendment submitted January 29, 2007, even assuming, without conceding, that Schilit uses some type of underlying hierarchical data structure (an assumption not supported by evidence), Schilit still does not teach or suggest storing: (a) data associated with a first portion of an electronic document (*i.e.*, the "first context node") and (b) electronic ink data associated with an annotation to the first portion of the electronic document (*i.e.*, the "second context node") in a "single hierarchical data structure," as recited in Applicants' independent claims 1 and 34. Therefore, claims 14, 15, 47, and 48 are not obvious in view of Altman, Schilit, and their proposed combination, for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

New Claims

Applicants have added new claims 66-69 to clarify and more fully claim their invention. New claims 66 and 68 depend from claim 1, and new claims 67 and 69 depend from claim 34. Thus, new claims 66-69 are allowable over the cited references for same reasons as their respective base claims, as well as based on additional features recited therein. For example, new claims 66 and 67 recite, "wherein the first portion corresponds to one or more words of typewritten text in the electronic document, and wherein the annotation is an electronic ink annotation of the one or more words of typewritten text," and new claims 68 and 69 recite, "wherein the first portion corresponds to an electronic ink drawing in the electronic document, and wherein the annotation is an electronic ink annotation of the electronic ink drawing."

(Conclusion and signature block follow on next page)

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3324.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 22nd day of January, 2008   By: /Brian J. Brisnehan/
                                                    Brian Brisnehan, Registration No. 60,462
                                                    1100 13th Street, N.W.
                                                    Washington, D.C. 20005
                                                    Tel: (202) 824-3000
                                                    Fax: (202) 824-3001

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